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July 11, 2005

David Saliwanchik

David R. Saliwanchik, Patent Attorney

AMENDMENT UNDER 37 CFR §1.111  
Examining Group 1614  
Patent Application  
Docket No. GJE-6035  
Serial No. 09/913,814

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : James M. Spear  
Art Unit : 1615  
Applicants : Glen Patrick Martyn, Camilo Colaco  
Serial No. : 09/913,814  
Conf. No. : 4398  
Filed : August 17, 2001  
For : Rapidly-Soluble Compositions

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR §1.111

Sir:

A Petition and Fee for an Extension of Time accompanies this paper.

In response to the Office Action dated February 9, 2005, please amend the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments follow the amendment sections of this paper.

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Accordingly, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on Iwatsuki *et al.*

Claims 1, 2, and 4-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Roser (U.S. Patent 5,704,297). The applicants respectfully traverse this ground for rejection because the cited reference does not disclose or suggest a freeze-dried composition having the characteristics of the applicants' composition.

Roser teaches the production of dosage forms by a tableting process and subsequent removal of volatile salts under a vacuum. The applicants respectfully submit that their requirement that the composition be "freeze-dried" renders this citation no longer relevant. Accordingly, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based on the Roser reference.

Hussain *et al.* (U. S. Patent 5,704,297) is cited of interest. Column 2 lines 50 to 53 indicate that an experiment was performed to assess the "feasibility of developing a dry powder formulation to improve the reconstitution rate of hydroxyethyl starch." Hence, the cited reference teaches away from the "shaped body" as claimed in the subject invention.

In view of the foregoing remarks and the amendment above, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

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The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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